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**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: )

ROBERT JOHN SANTELLA, M.D. )

Physician's and Surgeon's )  
Certificate No. G 23945 )

Respondent. )

File No: 10-1996-61463

**DECISION AND ORDER**

The attached Stipulation in Settlement and Order is hereby adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on May 30, 2000.

DATED April 27, 2000.

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA



\_\_\_\_\_  
Ira Lubell, M.D.  
Chair, Panel A

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SANFORD FELDMAN  
Deputy Attorney General  
3 State Bar No. 47775  
Department of Justice  
4 110 West A Street, Suite 1100  
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5 San Diego, CA 92186-5266  
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6 Attorneys for Complainant  
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8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation )  
14 Against: )

Case No. 10-1996-61463

15 **ROBERT JOHN SANTELLA, M.D.** )  
16 4531 College Avenue )  
17 San Diego, CA 92115 )

**STIPULATION  
IN SETTLEMENT  
AND ORDER**

18 Physician's and Surgeon's )  
19 Certificate No. G 23945 )

20 Respondent. )  
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28 Complainant, Ron Joseph, Executive Director of the  
29 Medical Board of California ("Board"), by and through his  
30 attorney, Bill Lockyer, Attorney General of the State of  
31 California, by Sanford Feldman, Deputy Attorney General, and  
32 Robert John Santella, M.D. ("respondent"), by and through his  
33 attorney Daniel S. Belsky, Esq., hereby stipulate as follows:

34 1. The Division of Medical Quality of the Board  
35 ("Division") acquired jurisdiction over respondent by reason of  
36 the following:

37 ///

1           A.    Respondent was duly served with a copy of the  
2           Accusation, Statement to Respondent, Request for Discovery,  
3           Form Notice of Defense and copies of Government Code  
4           sections 11507.5, 11507.6 and 11507.7 as required by section  
5           11503 and 11505, and respondent timely filed a Notice of  
6           Defense within the time allowed by section 11506 of the  
7           code.

8           B.    Respondent has received and read the  
9           Accusation which is presently on file as Case No. 10-1996-  
10          61463 before the Division. Respondent understands the  
11          nature of the charges alleged in the Accusation and that the  
12          charges and allegations constitute cause for imposing  
13          discipline upon respondent's license to practice medicine  
14          which was issued by the Board.

15          2.    Respondent and his counsel are aware of each of  
16          respondent's rights, including the right to a hearing on the  
17          charges and allegations, the right to confront and cross-examine  
18          witnesses who would testify against respondent, the right to  
19          present evidence in his favor and call witnesses on his behalf,  
20          or to testify, his right to contest the charges and allegations,  
21          and other rights which are accorded to respondent pursuant to the  
22          California Administrative Procedure Act (Gov. Code, § 11500 et  
23          seq.), including the right to seek reconsideration, review by the  
24          superior court, and appellate review.

25          3.    Respondent freely and voluntarily waives each and  
26          every one of the rights set forth in paragraph 2.

27        ///

1           4.    Respondent understands that in signing this  
2 stipulation rather than contesting the Accusation, he is enabling  
3 the Division to issue the following order without further  
4 process.

5           5.    For the purpose of resolving Accusation  
6 No. 10-1996-61463, respondent admits that he failed to maintain  
7 adequate records as alleged in Paragraph 8 of the Accusation.  
8 Respondent hereby gives up his right to contest the charges and  
9 allegations in the Accusation relating to failure to maintain  
10 adequate records and agrees to be bound by the Division's  
11 Disciplinary Order which is based solely on his violations of  
12 Section 2266 and set forth below.

13           6.    Respondent understands and agrees that if  
14 he ever files an application for modification or early  
15 termination of probation, all of the charges and allegations  
16 contained in Accusation No. 10-1996-61463 will be deemed to be  
17 true, correct and admitted by respondent when the Division  
18 determines whether to grant or deny the application.

19           7.    It is understood by respondent that, in deciding  
20 whether to adopt this stipulation, the Division may receive oral  
21 and written communications from its staff and the Attorney  
22 General's office. Communications pursuant to this paragraph  
23 shall not disqualify the Division or other persons from future  
24 participation in this or any other matter affecting respondent.  
25 In the event this settlement is not adopted by the Division, the  
26 stipulation will not become effective and may not be used for any  
27 purpose, except for this paragraph, which shall remain in effect.



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**1.     PRESCRIBING PRACTICES COURSE**

Within 180 days of the effective date of this decision, respondent shall enroll in and complete the PACE Prescribing Practices course given by the University of California at San Diego School of Medicine. Respondent may satisfy this requirement by submitting written proof that he has taken and successfully completed the PACE Prescribing Practices course within the one year preceding the effective date of this order.

**2       EDUCATION COURSE**

Within 90 days from the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division or its designee for its prior approval an educational program or course to be designated by the Division, which shall not be less than 40 hours per year for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of continuing medical education of which 40 hours were in satisfaction of this condition and were approved in advance by the Division or its designee.

**3.     ETHICS COURSE**

Within sixty (60) days of the effective date of this decision, respondent shall enroll in a course in Ethics approved in advance by the Division or its designee, and shall

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1 successfully complete the course during the first year of  
2 probation.

3           4.     **CLINICAL TRAINING PROGRAM**

4           Within 90 days from the effective date of this  
5 decision, respondent, at his expense, shall enroll in The  
6 Physician Assessment and Clinical Education Program at the  
7 University of California, San Diego School of Medicine  
8 (hereinafter, the "PACE Program") and shall undergo assessment,  
9 clinical training and examination. First, respondent shall  
10 undergo the comprehensive assessment program including the  
11 measurement of medical skills and knowledge and the appraisal of  
12 physical health and psychological testing. After assessment, the  
13 PACE Evaluation Committee will review all results and make a  
14 recommendation to the Division or its designee and the respondent  
15 and other authorized personnel regarding clinical training  
16 (including scope and length), treatment of any medical and/or  
17 psychological condition and any other matters affecting  
18 respondent's practice of medicine. Upon approval of the  
19 recommendation by the Division or its designee, respondent shall  
20 undertake and complete the recommended and approved PACE Program.  
21 At the completion of the PACE Program, respondent shall submit to  
22 examination on its contents and substance. The examination shall  
23 be designed and administered by the PACE Program faculty.  
24 Respondent shall not be deemed to have successfully completed the  
25 program unless he passes the examination. Respondent agrees that  
26 the determination of the PACE Program faculty as to whether or  
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1 not he passed the examination and/or successfully completed the  
2 PACE Program shall be binding.

3           Respondent shall complete the PACE Program no later  
4 than six months after his initial enrollment unless the Division  
5 or its designee agrees in writing to a later time for completion.

6           If respondent successfully completes the PACE Program,  
7 including the examination referenced above, he agrees to cause  
8 the PACE Program representative to forward a Certification of  
9 Successful Completion of the program to the Division or its  
10 designee. If respondent fails to successfully complete the PACE  
11 Program within the time limits outlined above, he shall be  
12 suspended from the practice of medicine.

13           Failure to participate in, and successfully complete  
14 all phases of the PACE Program, as outlined above, shall  
15 constitute a violation of probation.

16           **5. OBEY ALL LAWS**

17           Respondent shall obey all federal, state and local  
18 laws, all rules governing the practice of medicine in California,  
19 and remain in full compliance with any court ordered criminal  
20 probation, payments and other orders.

21           **6. QUARTERLY REPORTS**

22           Respondent shall submit quarterly declarations under  
23 penalty of perjury on forms provided by the Division, stating  
24 whether there has been compliance with all the conditions of  
25 probation.

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1                   7.     **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

2                   Respondent shall comply with the Division's probation  
3 surveillance program. Respondent shall, at all times, keep the  
4 Division informed of his or her addresses of business and  
5 residence which shall both serve as addresses of record. Changes  
6 of such addresses shall be immediately communicated in writing to  
7 the Division. Under no circumstances shall a post office box  
8 serve as an address of record.

9                   Respondent shall also immediately inform the Division,  
10 in writing, of any travel to any areas outside the jurisdiction  
11 of California which lasts, or is contemplated to last, more than  
12 30 days.

13                   8.     **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS  
14                   DESIGNATED PHYSICIAN(S)**

15                   Respondent shall appear in person for interviews with  
16 the Division, its designee or its designated physician(s) upon  
17 request at various intervals and with reasonable notice.

18                   9.     **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR  
19                   IN-STATE NON-PRACTICE**

20                   In the event respondent should leave California to  
21 reside or to practice outside the State or for any reason should  
22 respondent stop practicing medicine in California, respondent  
23 shall notify the Division or its designee in writing within ten  
24 days of the dates of departure and return or the dates of non-  
25 practice within California. Non-practice is defined as any  
26 period of time exceeding 30 days in which respondent is not  
27 engaging in any activities defined in Sections 2051 and 2052 of

1 the Business and Professions Code. All time spent in an  
2 intensive training program approved by the Division or its  
3 designee shall be considered as time spent in the practice of  
4 medicine. Periods of temporary or permanent residence or  
5 practice outside California or of non-practice within California,  
6 as defined in this condition, will not apply to the reduction of  
7 the probationary period. During periods of temporary or  
8 permanent residence or practice outside California or of non-  
9 practice within California, as defined in this condition,  
10 respondent is not required to comply with any terms and  
11 conditions of probation other than the requirement for the  
12 payment of cost recovery, as set in paragraph 11 below.

13           10.    **COMPLETION OF PROBATION**

14           Upon successful completion of probation, respondent's  
15 certificate shall be fully restored.

16           11.    **VIOLATION OF PROBATION**

17           If respondent violates probation in any respect, the  
18 Division, after giving respondent notice and the opportunity to  
19 be heard, may revoke probation and carry out the disciplinary  
20 order that was stayed. If an accusation or petition to revoke  
21 probation is filed against respondent during probation, the  
22 Division shall have continuing jurisdiction until the matter is  
23 final, and the period of probation shall be extended until the  
24 matter is final.

25           12.    **COST RECOVERY**

26           Within 90 days of the effective date of this order,  
27 respondent shall pay the Division the amount of \$4,094.08 for its

1 investigation and prosecution costs. Failure to reimburse the  
2 Division's cost of its investigation and prosecution as set forth  
3 herein shall constitute a violation of the probation order,  
4 unless the Division agrees in writing to payment by an  
5 installment plan because of financial hardship. The filing of  
6 bankruptcy by the respondent shall not relieve the respondent of  
7 his/her responsibility to reimburse the Division for its  
8 investigative and prosecution costs.

9           **13. PROBATION MONITORING COSTS**

10           Respondent shall pay the costs associated with  
11 probation monitoring each and every year of probation. Such  
12 costs, which are currently set at \$2,304 per year and may vary  
13 from year to year, shall be payable to the Division at the  
14 beginning of each calendar year. Failure to pay such costs shall  
15 constitute a violation of probation.

16           **14. LICENSE SURRENDER**

17           Following the effective date of this decision, if  
18 respondent ceases practicing due to retirement, health reasons or  
19 is otherwise unable to satisfy the terms and conditions of  
20 probation, respondent may voluntarily tender his/her certificate  
21 to the Division. The Division reserves the right to evaluate the  
22 respondent's request and to exercise its discretion whether to  
23 grant the request, or to take any other action deemed appropriate  
24 and reasonable under the circumstances. Upon formal acceptance

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1 of the tendered license, respondent will no longer be subject to  
2 terms and conditions of probation.

3 **ACCEPTANCE**

4 I have carefully read and fully understand the  
5 stipulation and order set forth above. I have discussed the  
6 terms and conditions set forth in the stipulation and order with  
7 my attorney, Daniel S. Belsky, Esq. I understand that in signing  
8 this stipulation I am waiving my right to a hearing on the  
9 charges set forth in the Accusation on file in this matter. I  
10 further understand that in signing this stipulation the Division  
11 may enter the foregoing order placing certain requirements,  
12 restrictions and limitations on my right to practice medicine in  
13 the State of California.

14 DATED: 2-14-00

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18 *Robert J. Santella, M.D.*

19 Robert John Santella, M.D.  
20 Respondent

21 I concur in the Stipulation.


22 DATED: 2-25-00

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25 *Daniel S. Belsky*  
26 Daniel S. Belsky  
27 Attorney for Respondent

1 I concur in the Stipulation.

2 DATED: 2-25-00.

3 BILL LOCKYER, Attorney General  
4 of the State of California

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7 SANFORD FELDMAN  
8 Deputy Attorney General

9 Attorneys for Complainant

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**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the matter of the Accusation against:

No. 10-1996-61463

**ROBERT SANTELLA, M.D.**

Physician and Surgeon's Certificate No. G 23945

Respondent.

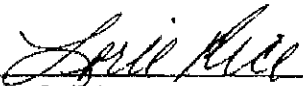
**ORDER RESTORING LICENSE TO CLEAR STATUS  
FOLLOWING COMPLETION OF PROBATION**

The above named respondent, having successfully completed probation in Case No. 10-1996-61463, is entitled to full restoration of the Physician and Surgeon's certificate.

WHEREFORE, IT IS ORDERED by the Division of Medical Quality of the Medical Board of California that respondent's Physician and Surgeon's certificate be fully restored to clear status and free of probation requirements, effective May 30, 2004.

So ordered July 30, 2004.

**DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA**

  
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Lorie G. Rice  
President